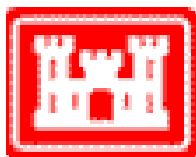


PUBLIC NOTICE



US ARMY CORPS
OF ENGINEERS

OMAHA DISTRICT

APPLICANT: GENERAL PUBLIC
APPLICATION NO: 200520001
REGIONAL GENERAL PERMIT 05-01
WATERWAY: LAKE OAHE IN SD
(OAHE DAM TO ND/SD LINE)
ISSUE DATE: FEBRUARY 24, 2005
EXPIRATION DATE: MARCH 11, 2005

Regulatory Office, 28563 Powerhouse Rd, Room 118, Pierre, SD 57501

15-DAY NOTICE

JOINT NOTICE OF PERMIT PENDING

**US ARMY CORPS OF ENGINEERS
AND
SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**

In accordance with Title 33 CFR Section 325.2, paragraph (e)(2) and Title 33 CFR Section 325.5, paragraph (c), as published November 13, 1986, in the Federal Register, Volume 51, Number 219, the U.S. Army Corps of Engineers (Corps), Omaha District, proposes to issue a regional general permit (RGP) for the expansion/extension or relocation of previously authorized boat ramps in Lake Oahe. Also proposed for authorization is the construction and expansion/extension of access roads, bank stabilization, ramp erosion protection, parking areas, and vehicular "turn-arounds", if they are undertaken in conjunction with the expansion/extension or relocation of previously authorized boat ramps.

This RGP is being processed under the provisions of Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344). The District Engineer is authorized to use an alternative procedure for evaluating permit applications for categories of activities that are substantially similar and will cause only minimal individual or cumulative impacts. This alternative procedure avoids unnecessary duplication of regulatory control exercised by other government agencies. The District Engineer proposes to issue this RGP for a period of five (5) years. If issued, review will occur yearly and permit modifications may be made. The RGP is proposed for use only when the lake elevation is at, or below, elevation 1605 feet Mean Sea Level.

The purpose of the work that would be authorized under the RGP is to provide boat access to Lake Oahe during low water conditions. Since the construction of Oahe Dam, reservoir water levels are at, or near, historic lows. Consequently, with the upcoming 2005 and beyond, boating and recreational seasons, accessing the waters of the Lake Oahe, in a safe, timely and efficient manner, by recreational users, has become an important, urgent and challenging mission of the Corps and its customers and stakeholders. The Corps and its partners have determined that two methods to provide safe, timely and efficient lake access are (1) extending existing ramps and (2) constructing new ramps. In addition, facilities such as new roadways and parking areas would need to be established as components to some ramp activities.

The RGP would be applicable on Lake Oahe from Oahe Dam to the North Dakota-South Dakota state line. The Corps, North Dakota Regulatory Office issued a RGP similar to this proposed permit in 2004, to address low Missouri River reservoir levels in the State of North Dakota.

Before any project will be considered under this activity category it must conform to the following detailed description of authorized work, special conditions, and the general criteria listed in Appendices A and B.

Description of Authorized Work: (1) Boat Ramps: Boat ramps (extensions and new ramps) shall be constructed of poured concrete, pre-cast concrete planks, slabs, PSP, gravel into forms, or steel mesh sections not exceeding eight (8) inches in thickness. Bedding material, if required would consist of rock, crushed stone, gravel, stone spall, or other suitable type material and shall not exceed two (2) feet in thickness. The minimum amount of fill to cross cut-banks is also authorized. No boat ramp shall exceed 500 feet in length or 80 feet in width (for extensions, existing dimensions would not be included).

(2) Ramp Erosion Protection: Boat ramps are proposed for protection from wind, water, wave and other forms of erosion by the discharge and placement of suitable rock riprap material on all sides of a ramp. A maximum of three (3) cubic yards of riprap material per linear foot of ramp is anticipated, or the minimum necessary, placed for the purpose of preventing erosion of a ramp.

(3) Bank Stabilization: Bank stabilization activities necessary for erosion prevention, in conjunction with ramp activities, are being proposed, which include the discharge and placement of suitable rock riprap material in an area measuring, and not to exceed, one hundred and fifty (150) linear feet on each side of a ramp. A maximum of three (3) cubic yards of riprap per linear foot of shoreline is being proposed. The use of filter fabric beneath the proposed rock structure is not required.

(4) Access Roads, Turn-around & Parking Areas: Proposed new roadway work would not exceed 24 feet in width. Turn-around areas shall not exceed one half- (1/2) acre. Temporary parking areas shall not exceed two (2) acres. Granular/earthen surfacing for access roads, turn-around areas, and parking areas shall not exceed eight (8) inches in thickness and the base material shall not exceed two (2) feet in thickness. The minimum amount of fill to cross cut-banks is also authorized. These areas shall be minimally constructed to safely accommodate the public. Modification, maintenance, expansion and/or improvement to existing access roadways and parking areas are also being proposed for authorization at this time.

(5) Sediment/Debris Removal & Dredging for Ramp Access (Access Channels): Excavation/removal of accumulated sediment/debris, dredging to provide ramp access, and dredging to provide or maintain access channels to ramps are being proposed for authorization. Dredging for the aforementioned purposes shall not exceed ten thousand (10,000) cubic yards per ramp facility. Silt curtains would be required to isolate any anticipated turbidity for dredging exceeding 200 cubic yards.

(6) Disposal Sites: Construction debris and dredged spoil material would be disposed at a location approved by the District Engineer prior to any disposal activities.

(7) Cofferdams: Cofferdams, necessary for proposed construction activities, would be limited to the minimum necessary to construct, extend or repair a ramp, to facilitate the removal of sediment/substrate, or to facilitate necessary dredging activities. Cofferdams would be removed in their entirety upon completion of construction activities and the affected lake bottom would be restored to its pre-construction condition.

(8) Boat Docks: Either floatation or slide-in type boat docks may be placed on/adjacent to the ramp to facilitate boat launching and landing.

The South Dakota Department of Environment and Natural Resources, Division of Environmental Regulation, 523 East Capitol Avenue, Pierre, South Dakota, 57501-3181, will review the proposed general permit for state certification in accordance with the provisions of Section 401 of the Clean Water Act. The certification, if issued, will express the State's opinion that the operations undertaken by the applicant will not result in a violation of applicable water quality standards. The South Dakota Department of Environment and Natural Resources hereby incorporates this public notice as its own public notice and procedures by reference (ARSD 74:03:02).

The Omaha District will comply with the National Historic Preservation Act of 1966 [NHPA] (80 Stat 915; 16 USC 470a, et seq.) as amended. The National Register of Historic Places and current supplements will be consulted for each application received. In addition, procedures have been established through a Programmatic Agreement to evaluate input by Indian Tribes and the State Historic Preservation Officer for proposed activities along the Missouri River.

Pursuant to the Endangered Species Act, projects proposed under this RGP would be reviewed for impacts to threatened and endangered species and their critical habitat. If an individual activity proposed for authorization by this RGP may affect a species designated as threatened or endangered or adversely affect critical habitat, the Corps will contact the U.S. Fish and Wildlife Service before completing the permit determination.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activities on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the activities will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production, and, in general the needs and welfare of the people. In addition, the evaluation of the impacts of the activities on public interest will include application of the guideline promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 CFR § 230).

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the proposed activities. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above.

Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activities.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this proposed permit re-issuance. Requests for public hearings shall state, with particularity, the reason for holding a public hearing. The request must be submitted to the US Army Corps of Engineers, South Dakota Regulatory Office, 28563 Powerhouse Road, Room 118, Pierre, South Dakota 57501.

Any interested party (particularly officials of any town, city, county, state, Federal agency, Indian Tribe, or local association whose interests may be affected by the proposed work) is invited to submit to this office, written facts, arguments, or objections on or before March 11, 2005. Any agency or individual having an objection to the proposed work should specifically identify it as an objection with clear and specific reasons. Comments, both favorable and unfavorable, will be accepted, made a part of the record and will receive full consideration in subsequent actions on this permit re-issuance. All replies to the public notice should be addressed to the address listed in the previous paragraph. Mr. Thomas A. Lowin, telephone number (605) 224-8531, may be contacted for additional information.

Comments received after the close of the business day on the expiration date of this public notice will not be considered.

General Permit 05-01 (200520001)

Special Conditions:

a. That all construction debris will be disposed of on land in such a manner that it cannot enter a waterway or wetland.

b. That equipment for handling and conveying materials during construction shall be operated to prevent dumping or spilling the materials into the water except as approved herein.

c. That care will be taken to prevent any petroleum products, chemicals, or other deleterious from entering the water.

d. That all work in the waterway is performed in such a manner so as to minimize increases in suspended solids and turbidity which may degrade water quality and damage aquatic life outside the immediate area of operation.

e. That only clean riprap materials will be utilized in order to avoid the percolation of fines which would result in excessive local turbidity and that the riprap shall be placed in such a manner so as to provide a reasonably solid mass with no appreciable variation in thickness or slope.

f. That the clearing of vegetation will be limited to that which is absolutely necessary for construction of the project.

g. That all surplus dredged or excavated materials will be placed on an upland site above the ordinary high water line in a confined area, not classified as a wetland, to prevent the return of such materials to the waterway.

h. That all earthwork operations on shore will be carried out in such a manner that sediment runoff and soil erosion to the water are controlled.

i. That measures will be employed to prevent wet concrete from entering the waterway.

j. That concrete trucks will be washed at a site and in such a manner that washwater cannot enter the waterway.

k. That when the District Engineer has been notified that the dredging or filling activity is adversely affecting fish or wildlife resources or the harvest thereof and the District Engineer subsequently directs remedial measures, the permittee will comply with such directions as may be received to suspend or modify the activity to the extent necessary to mitigate or eliminate the adverse effect as required.

l. That the discharge will consist of suitable material free from toxic pollutants in toxic amounts.

m. That the fill created by the discharge will be properly maintained to prevent erosion and other non-point source of pollution.

n. That if historic properties or archeological sites/resources are unearthed during construction, the permittee will immediately cease construction and notify the District Engineer of the find. No further work will occur until the resource(s) are evaluated and the effect determined, mitigated or eliminated.

o. That the Permittee and the Permittee's contractor, or any of the employees, subcontractors or other persons working in the performance of the contract, shall report any endangered species at the project site.

General Permit 05-01 (200520001)
Special Conditions (cont'd)

p. That temporary fill will be removed in its entirety immediately upon completion of the construction activity and the area restored to its preconstruction contours. The access roads/facilities and boat ramps shall for the purposes of this permit be considered permanent fill.

q. That all lumber materials used for construction of the boat ramp or dock shall be free of leaching creosote, pentachlorophenol, inorganic arsenicals or any other treatments that may cause toxic effects to aquatic life or cause other adverse impacts to water quality.

r. That any barrel used for floatation which has contained a biocide (e.g., herbicide, pesticide or insecticide) will not be utilized as a floatation device.

s. That the boat dock will not be utilized for long-term boat mooring.

t. That if a floatation type boat dock is used it shall be securely anchored so as not to constitute a safety hazard.

u. The time limit for completing the work authorized is one-year from each permit determination. If additional time will be needed to complete the authorized activity, a written request for a time extension must be submitted to the Corps of Engineers.

v. That no attempt shall be made by the Permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized by this permit.

w. That the Permittee is responsible for ensuring that the contractor and/or workers executing the activity(s) authorized by this permit have full knowledge of the terms and conditions of the authorization and that a copy of the permit instrument is at the project site throughout the period work is underway.

x. That the Permittee agrees to make every reasonable effort to prosecute the construction or work authorized herein in a manner so as to minimize any adverse impact of the construction or work on fish, wildlife, and natural environmental values.

y. Upon notification from the Corps that work being performed does not comply with, or fall within the scope of, this permit, the responsible party will take immediate steps, as directed by the Corps, to bring the work into compliance with this authorization.

General Permit 05-01 (200520001)

Appendix A

1. To receive consideration under this general permit, the applicant will provide a Notice of Intent to construct a particular project to the US Army Corps of Engineers, South Dakota Regulatory Office, 28563 Powerhouse Road, Room 118, Pierre, South Dakota 57501.

2. Notice of Intent to construct a particular project on all waters within South Dakota shall also be provided to:

South Dakota Department of Game, Fish and Parks, Joe
Foss Building, 523 East Capitol Avenue, Pierre, South
Dakota 57501.

US Fish and Wildlife Service, 420 South Garfield,
Suite 400, Pierre, South Dakota 57501.

3. A Notice of Intent to construct a particular project shall be provided to the appropriate Corps of Engineers Operations Manager (address listed below).

Oahe Project Operations Manager, 28563 Powerhouse Road, Pierre, South Dakota 57501.

4. The Notice of Intent, submitted by the applicant, must clearly describe the proposed work so the District Engineer or his designee can clearly determine whether or not the proposed work complies with the terms, conditions and limitations of this General Permit, and must contain the following information:

a. A completed permit application form (ENG Form 4345).

b. A cover letter describing the proposed work and indicating how the anticipated work will be accomplished. This letter must also indicate that the offices listed in paragraphs 2, above, have been notified and the date that these agencies were notified.

c. A drawing on an eight and one-half (8½) inch paper showing a vicinity map with the exact location of the project clearly marked, plan view and cross-sectional view(s) of the proposed work.

5. Following receipt of the Notice of Intent, the South Dakota Department of Game, Fish and Parks, and the US Fish and Wildlife Service will notify the District Engineer within fifteen (15) days of the Notice, of any objections they may have regarding that project. A failure to response, within the fifteen (15) day period, will constitute a lack of objection by those agencies to the proposed work.

General Permit 05-01 (200520001)

Appendix B

The following will govern the duration, utilization and applicability of this general permit:

1. The cumulative impacts of this general permit may be subject to reevaluation at the discretion of the District Engineer at any time, but will be reevaluated at the end of the five (5) years.
2. Any proposed project, which is located in an area containing historic, cultural, or archeological sites as listed in the National Register of Historic Places, or those known to be eligible for such listing, and all monthly supplements thereto; and any proposed project, which is located in a site included in the National Registry of Natural Landmarks, will not be considered under this general permit.
3. Any proposed project located in an area named in Acts of Congress or Presidential Proclamations as National Rivers, National Wilderness Areas, National Recreation Areas, National Lakeshores, National Parks, National Monuments, and such areas as may be established under Federal law for similar and related purposes, such as estuarine and marine sanctuaries, will not be considered under this general permit.
4. Sites where the activity would result in adverse impacts to Federally or state listed threatened and/or endangered species or their critical habitat will not be considered under this general permit. The project must comply with the Endangered Species Act.
5. Projects involving filling activities, permanent and/or temporary, that would impair the flow in and out of wetlands will not be considered under this general permit.
6. Projects located within the boundaries of a wetland area or environmentally sensitive areas; such as spawning, nesting, feeding and resting areas, river chutes, backwater areas, etc., will not be considered under this general permit.
7. The construction of new “low water boat ramps” and associated access roads, vehicular “turn-arounds”, riprap protection and parking areas that are to be re-located must be, as determined by the District Engineer, in close proximity to previously authorized facilities that are to be abandoned due to low lake levels.
8. The District Engineer has the discretion to require an individual permit on a case-by-case basis for any of the activities authorized herein.